

## **REMARKS**

This is in response to the Office Action mailed on September 24, 2003. Claims 1-8, 37, and 49-51 were subject to examination. Of these claims, claims 1, 7, and 49-50 were rejected under 35 U.S.C. § 102(b) as being anticipated by Melvin, U.S. Patent No. 5,957,977 (Melvin '977). Claims 2, 3 and 8 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Melvin '977 in view of Alferness, U.S. Patent No. 5,702,343. Claims 4, 5, 6 and 51 were objected to as being dependent upon a rejected base claims, but deemed allowable if rewritten in independent form. Claim 37 was allowed. Claims 9-36 and 38-48, which were previously withdrawn pursuant to a restriction, have been canceled without prejudice.

Claims 1 and 8 have been amended to include the allowable subject matter of dependent claim 4. Therefore, claims 1-3 and 5-8 are submitted to be in complete condition for allowance.

Claim 49 has been rewritten into independent form, including the subject matter deemed allowable in dependent claim 51. Therefore, claim 49 and dependent claim 50 are submitted to be in complete condition for allowance.

Claim 52, directed to a device for supporting the heart, and analogous method claim 53 have been added by this amendment. These claims are deemed allowable for reasons similar to the reasons attributed to original dependent claim 51. That is, the prior art fails to teach or suggest the use of an external support element coupled with an internal tensile member in the left ventricle to provide



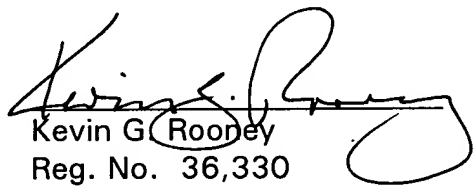
support to heart tissue. Therefore, Applicant respectfully requests allowance of new claims 52 and 53 at this time.

Applicants respectfully solicit notice of allowance with respect to pending claims 1-3, 5-8, 37, 49, 50, 52 and 53. If there is any additional matter in need of discussion upon review of this application, the Examiner is invited to contact Applicants' undersigned counsel by telephone to expedite issuance of this application.

Applicants do not believe that any fees are due in connection with this response other than the extension fee. However, if such petition is due or any other fees are necessary, the Commissioner may consider this to be a request for such and charge any necessary fees to deposit account 23-3000.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

  
Kevin G. Rooney  
Reg. No. 36,330

2700 Carew Tower  
441 Vine Street  
Cincinnati, OH 45202  
(513) 241-2324

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